

IN THE CIRCUIT COURT FOR BLOUNT COUNTY, TENNESSEE  
EQUITY DIVISION



NEW MIDLAND PLAZA ASSOCIATES, et al.,

Plaintiffs,

v.

WACHOVIA BANK, N.A., et. al.,

Defendants.

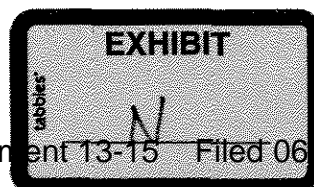
CIVIL ACTION NO. E-18053

*Notice of Entry Requested*

ORDER ON PLAINTIFFS' MOTION TO ALTER OR AMEND  
SANCTIONS AWARD

This cause came on to be further heard on the 29<sup>th</sup> day of January, 2007, before the Honorable W. Dale Young, Judge of the Circuit Court for Blount County, Tennessee, upon the Motion of Martin O'Boyle to Alter or Amend the Order entered November 2, 2006, awarding to the Defendants sanctions in the collective amount of One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) and awarding to the Clerk of the Court sanctions in the amount of Five Thousand Dollars (\$5,000.00).

For good cause shown, and there being no objection from the Defendants, it is, therefore, accordingly ORDERED, ADJUDGED and DECREED that the award of sanctions to the Defendants, Wachovia Bank, N.A. and Alcoa Calderwood, LLC, against Martin O'Boyle is herewith set aside, withdrawn, and held for naught, provided that Martin O'Boyle shall within ten (10) days of the date of this Order pay to the Clerk of the



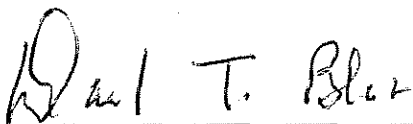
ENTERED 1-29-07  
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Court the sum of Five Thousand Dollars (\$5,000.00) plus interest from and after  
November 2, 2006, until the date of payment plus such additional court costs to be paid as  
assessed by the Clerk of the Court.

ENTER this 29<sup>th</sup> day of January, 2007.

  
\_\_\_\_\_  
W. DALE YOUNG, JUDGE

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DAVID T. BLACK, Tennessee Bar No. 000999  
Kizer and Black Attorneys, PLLC  
329 Cates Street  
Maryville, Tennessee 37801

I, James Connolly Clerk and Master of the CIRCUIT COURT  
at Maryville, TN hereby certify that the within is a true copy  
of the Order on Plaintiff's Motion to Order an Arson Sanctions Award  
entered in case No. E-18053  
on the 29th day of Jan., 2007  
Entered Min. Book 141 Page 422  
by Connolly

CERTIFICATE OF SERVICE

I hereby certify that I have this 29<sup>th</sup> day of January, 2007, caused a true and correct copy of the Order on Plaintiffs' Motion to Alter or Amend Sanctions Award to be served on the following by first-class mail, postage prepaid:

John A. Lucas, Esquire  
Hunton & Williams  
900 South Gay Street  
Suite 2000  
Knoxville, TN 37901-0951

Charles W. VanBeke, Esquire  
Wagner, Myers & Sanger, P.C.  
1801 First Tennessee Plaza  
P.O. Box 1308  
Knoxville, TN 37901-1308

Thomas S. Scott, Jr., Esquire  
Ball & Scott  
550 W. Main Avenue  
Suite 750  
Knoxville, TN 37902



DAVID BLACK, ESQUIRE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been mailed to all parties or their counsel, by depositing same in the U.S. Mail, first class postage prepaid this the 30<sup>th</sup> day of January, 2007.

Brenda Flowers  
By 